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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,877	05/10/2001	David L. Biddulph	23140.00001	5171

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John Christopher, Esq.
CHRISTOPHER & WEISBERG, P.A.
200 East Las Olas Blvd.
Suite 2040
Fort Lauderdale, FL 33301

EXAMINER

THAI, HANH B

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 07/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/852,877

Applicant(s)

BIDDULPH, DAVID L.

Examiner

Hanh B Thai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

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This is in response to the application filed May 10, 2001 in which claims 1-33 are presented for examination.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Sehr (U. S. Patent no. 5,875,432).

Regarding claim 1, Sehr discloses an information gathering system, comprising:

- at least one computer (see col. 5, line 2, Sehr);
- an identification database accessible by the computer, the identification database including user identification information (see col. 4, lines 56-61 and col. 5 lines 24-27). "Certification center database" (30, Fig. 1, Sehr) corresponds to "identification database";
- at least one output device coupled to the computer (see col. 5, lines 15-18, Sehr); and
- a software component executable by the at least one computer (col. 5, lines 43-47, Sehr), the software component being arranged to validate the user and cause the

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computer to provide output on the output device corresponding to a customized ballot prepared based upon a validated user response to a specified request for information (see col. 4, lines 24-27 and col. 5, line 62 to col. 6, line 9, Sehr). “customized ballot” corresponds to particular user voting campaign.

Regarding claim 2, Sehr further discloses an input device coupled to the computer wherein the software component is further arranged to read a completed customized ballot from the input device, check the completed customized ballot for errors and to cause the computer to provide output to the output device corresponding to the completed customized ballot (see col. 5, lines 1-5, Sehr). “smart card reader” (11, Fig. 1, Sehr) corresponds to “input device”.

Regarding claim 3, Sehr further discloses the software component is also arranged to assign a unique identifier to the validated user (see col. 6, lines 6-9, Sehr).

Regarding claim 4, Sehr further discloses a forms database accessible by the computer, the forms database including form formatting and content information (see Fig. 3, Sehr).

Regarding claim 5, Sehr further discloses the forms database corresponds to an official ballot forms database (see Fig. 1). Tabulation database (20, Fig. 1) corresponds to “forms database”.

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Regarding claim 6, Sehr further discloses a tabulation database accessible by the validated user by verifying the unique identifier assigned to the validated user (20, Fig.1, Sehr).

Regarding claim 7, Sehr further discloses the tabulation database corresponds to an official vote tabulation database (see col. 7, lines 12-20, Sehr).

Regarding claims 8-9, Sehr further discloses the validated user accesses the tabulation database via a communication network (see col.5, lines 9-15 and col. 6, lines 62-64, Sehr).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10-11, 20-26 and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr (U. S. Patent no. 5,875,432) in view of McClure et al. (U. S. Patent no. 6,250,548).

Regarding claim 10, Sehr discloses all of the claimed subject matter as discussed above, except that the unique identifier is a randomly generated number. McClure, however, discloses the unique is randomly stored in a memory location (see col. 33, lines 30-41, McClure). It would

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have been obvious to one of ordinary skill in the art at the time of the invention to randomly generate that unique number and randomly store it in the memory. The motivation of doing so would have been to authenticate the voter's identity (see col. 6, lines 6-8, McClure).

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr (U. S. Patent no. 5,875,432) in view of Sakai et al. (U. S. Patent 6,047,052).

Regarding claim 10, Sehr discloses all of the claimed subject matter as discussed in claim 6 above, except that the unique identifier is a randomly generated number. But it is well know to one of ordinary skill in the art to randomly generate an identifier as evident by Sakai (col. 8, lines 59-62, Sakai). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sehr as taught by Sakai for executing and collecting data program using the ID number (see col. 5, lines 59-64, Sakai).

Regarding claim 11, Sehr/ McClure further discloses the specified request for information includes at least one of a request for validated user's address (see col. 3, lines 48-50, Sehr) and a request for an allowable language preference (see col. 19, lines 1-8, McClure).

Regarding claim 20, Sehr discloses a method of voting using a computer, the method comprising:

- checking the eligibility of a potential voter by accessing a voter eligibility database (see col.6, lines 19-25, Sehr);

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- rejecting the potential voter who is deemed to be a non-eligible voter (see col. 6, lines 14-18 and 25-28, Sehr);
- receiving an address of an eligible voter (see col. 3, lines 48-54, Sehr);
- customizing a ballot based on a selected criteria by accessing a ballot form database (see col.3, lines 50-65, Sehr). “customized ballot” corresponds to particular user voting campaign;
- displaying the ballot to the eligible voter (see col. 6, lines 28-31, Sehr);
- receiving the ballot from the eligible voter (see col. 6, lines 35-41, Sehr);
- checking the ballot for errors by comparing the ballot to a selected standard (see col. 5, line 62 to col. 6, line 15 and col. 5, lines 5-9, Sehr). By checking the voting card’s authenticity process, the ballot is checking for errors which is comparing the ballot to a selected standard;
- collecting the official ballot (see col. 6, lines 35-44, Sehr).

Sehr, however, does not explicitly disclose printing an official ballot and a receipt to be retained by the eligible voter, it is well known in the art to use the printer to print out records for specific event during the election (see col. 15, lines 50-52, McClure).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the printer as an output device in the system of Sehr in order to print out voting information.

Regarding claim 21, Sehr/ McClure further discloses the method of assigning a unique identifier to the eligible voter (see col. 7, lines 54-58, Sehr); causing the unique identifier to be

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printed on the receipt and the official ballot (see col. 7, lines 60-66, Sehr); updating a voting results database with the ballot received from the eligible voter (col. 6, lines 57-64, Sehr); providing access to the voting results database to the eligible voter; and requiring the eligible voter to input the unique identifier in order to gain access to the voting results database (see col. 8, lines 3-10, Sehr).

Regarding claims 22 and 24, Sehr/ McClure further discloses the specified request for information includes at least one of a request for validated user's address (see col. 3, lines 48-50, Sehr) and a request for an allowable language preference (see col. 19, lines 1-8, McClure).

Regarding claim 23, Sehr/McClure discloses the unique is randomly stored in a memory location (see col. 33, lines 30-41, McClure). It is well known to randomly generate that unique number and randomly store it in the memory to authenticate the voter's identity (see col. 6, lines 6-8, McClure).

Regarding claim 27, Sehr/McClure further discloses the first database corresponds to an official voter registration database (see col. 4, lines 56-59, Sehr).

4. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr (U. S. Patent no. 5,875,432) in view of Sakai et al. (U. S. Patent 6,047,052).

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Regarding claim 23, Sehr discloses all of the claimed subject matter as discussed above, except that the unique identifier is a randomly generated number. But it is well known to one of ordinary skill in the art to randomly generate an identifier as evident by Sakai (col. 8, lines 59-62, Sakai). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sehr as taught by Sakai for executing and collecting data program using the ID number (see col. 5, lines 59-64, Sakai).

Regarding claims 25-26, Sehr/ McClure further discloses receiving handicap access and receiving preferences from the voter (see col. 5, lines 48-55, McClure).

Regarding claim 30, Sehr discloses a method of voting which preserves the secrecy of the ballot while allowing a voter to verify the integrity of a vote, comprising:

- checking the eligibility of a potential voter by accessing a voter eligibility database (see col. 6, lines 19-25, Sehr);
- generating and assigning a unique identifier to an eligible voter (see 7, lines 54-66, Sehr). “a secret certification number” corresponds to “unique identifier”;
- printing a customized ballot which conforms to one or more selected criteria; comparing the scanned ballot with a predetermined standard to detect voter errors (see col. 5, line 62 to col. 6, line 15 and col. 5, lines 5-9, Sehr). By checking the voting card’s authenticity process, the ballot is checking for errors which is comparing the ballot to a selected standard;
- collecting the official ballot (see col. 6, lines 35-44, Sehr); and

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- storing the official ballot The second tangible record has been produced and collected during the voting process and/or survey is stored in the second database (30, Fig. 1, Sehr).

Sehr, however, does not explicitly disclose printing an official ballot and a receipt to be retained by the eligible voter and scanning the completed ballot, it is well known in the art to use the printer and scan to print out records for specific event during the election (see col. 15, lines 50-52 and col. 20, lines 54-56, McClure). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the scanner printer as an input and output device in the system of Sehr in order to print out voting information.

Regarding claims 31-33, Sehr/ McClure further discloses the method of assigning a unique identifier to the eligible voter (see col. 7, lines 54-58, Sehr); causing the unique identifier to be printed on the receipt and the official ballot (see col. 7, lines 60-66, Sehr); updating a voting results database with the ballot received from the eligible voter (col. 6, lines 57-64, Sehr); providing access to the voting results database to the eligible voter; and requiring the eligible voter to input the unique identifier in order to gain access to the voting results database (see col. 8, lines 3-10, Sehr).

5. Claims 12-19 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sehr (U. S. Patent no. 5,875,432) in view of Bayer et al. (U.S. Patent no. 6,311,190).

Regarding claim 12, Sehr discloses a method of gathering information about a user using a computer, comprising:

- verifying that the user is eligible to participate by consulting a first database (see col. 6, lines 19-31, Sehr);
- assigning a unique identifier to an eligible user (see 7, lines 54-66, Sehr). “a secret certification number” corresponds to “unique identifier”;
- requiring the eligible user to provide to the computer a response to the questionnaire (see col. 6, lines 21-24, Sehr);
- producing a first tangible record of the response to the questionnaire (see col. 4, lines 53-56 and Fig. 1, Sehr). The “Tabulation center” produce a first tangible record;
- producing a second tangible record of the response (see col. 4, lines 56-59 and Fig. 1, Sehr). The “Certification center” product a second tangible record;
- collecting the second tangible record (see col. 6, lines 35-44, Sehr).; and
- storing the second tangible record. The second tangible record has been produced and collected during the voting process and/or survey is stored in the second database (30, Fig.1, Sehr).

Sehr, however, does not disclose “customizing a questionnaire”. Bayer, on the other hand, discloses “building registration questionnaires and recording the results of the questionnaires” (see abstract and col.4, lines 1-9, Bayer). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sehr to customize a questionnaire in gathering information system. The motivation of doing so would have

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been to enhance the language capability of a user interface of an application program operating on a computer (see col. 2, lines 4-6, Bayer).

Regarding claim 13, Sehr/Bayer further discloses the “rejecting users not listed in the first database” (see col. 6, lines 16-18, Sehr).

Regarding claim 14, Sehr/Bayer further discloses inputting the response into the computer; checking the response by comparing the response to a selected standard; rejecting the response if the response does not meet the requirements of the selected standard; and requiring the verified user to correct the rejected response (see col.6, lines 28-30, Bayer).

Regarding claim 15, Sehr/Bayer further discloses a single choice indicated for each individual questionnaire item (see col. 3, lines 7-12, Bayer).

Regarding claim 16, Sehr/Bayer further discloses the first database is an identification database comprised of user identification information (see Fig. 1, Sehr). “identification database” corresponds to “certification center” (database 30, Fig. 1, Sehr).

Regarding claims 17-18, Sehr/Bayer further discloses the first database corresponds to an official voter registration database (see col. 4, lines 56-59, Sehr).

Regarding claim 19, Sehr/Bayer further discloses the second database is a forms database, the forms database being comprised of form formatting and content information (see 2, Fig. 1, Sehr). The “tabulation center” corresponds to “form database”.

Regarding claims 28 and 29, Sehr discloses an information gathering system, comprising:

- means for identifying a user (see col. 5, lines 62-67, Sehr);
- means for verifying the user's status to participate in the information gathering system (see col. 6, lines 21-24, Sehr);
- means for assigning a unique identifier to the user (see 7, lines 54-66, Sehr). “a secret certification number” corresponds to “unique identifier”;
- means for storing the at least first response The second tangible record has been produced and collected during the voting process and/or survey is stored in the second database (30, Fig.1, Sehr);

Sehr, however, does not disclose “customizing a questionnaire” and “tangible record and first response”. Bayer, on the other hand, discloses “building registration questionnaires and recording the results of the questionnaires” (see abstract and col.4, lines 1-9, Bayer). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sehr to customize a questionnaire in gathering information system. The motivation of doing so would have been to enhance the language capability of a user interface of an application program operating on a computer (see col. 2, lines 4-6, Bayer).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh B Thai whose telephone number is 703-305-4883. The examiner can normally be reached on 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-9099 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Hanh Thai
Art Unit 2171
June 30, 2003


FRANTZ COBY
PRIMARY EXAMINER